

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LINEX TECHNOLOGIES, INC.,

Plaintiff,

vs.

BELKIN INTERNATIONAL, INC., et al.,

Defendants.

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CIVIL ACTION NO. 2:07cv222

ORDER

Before the Court is Defendants Belkin International, Inc.; Buffalo Technology (USA) Inc.; D-Link Systems, Inc.; Cisco-Linksys LLC (United States), Inc.; and Toshiba America Information Systems, Inc.’s (collectively, “Defendants”) Motion to Strike Linex’s Infringement Contentions or in the Alternative, Motion to Compel Linex to Provide Infringement Contentions that Comply with Patent Rule 3-1. (Doc. No. 214). Plaintiff Linex Technologies, Inc. (“Linex”) has filed an Opposition. (Doc. No. 221). Having considered the parties’ arguments and exhibits, the Court hereby **ORDERS** the parties to appear for a hearing on Defendants’ motion on **Wednesday, September 17, 2008 at 9:30 a.m.**

In addition to the regular briefing schedule, the Court further **ORDERS** the parties to submit affidavits containing qualified, expert testimony—whether retained or in-house—answering the following seven questions:

- 1) Are the asserted claims each method, system, or apparatus claims?
- 2) What is the difference between hardware, software, and firmware? As it relates to the Accused Products in the instant action, are there differences between software

and firmware? Do the Accused Products in the instant litigation consist of hardware with embedded firmware? If so, is the firmware proprietary?

- 3) Does the 802.11n draft standard define hardware, software, and/or firmware configurations for compliant devices?
- 4) Does the draft standard define required features, modes, and configurations for compliant devices? Does the draft standard define optional features, modes, and configurations for compliant devices? For example, are the following features optional or required: MIMO power save, space division multi-plexing, aggregation, reduced inter-frame spacing, greenfield mode, and 40MHz channels.
- 5) If the standard defines a combination of optional and required features, how many possible configurations are provided for under the draft standard? How does this compare with other 802.11 standards, specifically, a, b, and g?
- 6) What is Multiple Input Multiple Output ("MIMO") and how does it relate to the 802.11 n, b, and g standards?
- 7) Do all of the Accused Products that are not 802.11n-compliant utilize MIMO technology?

Plaintiff is **ORDERED** to submit affidavits on the aforementioned topics by **12:00 p.m. on Wednesday, September 10, 2008**. Defendant is **ORDERED** to submit affidavits on the same topics, in addition to a response to Plaintiff's submission if necessary, by **12:00 p.m. on Monday, September 15, 2008**.

So ORDERED and SIGNED this 4th day of September, 2008.